



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,303	03/16/2001	Kazuo Ishiwari	0020-4834P	9616

2292 7590 06/27/2002

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 06/27/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/787,303

Applicant(s)

ISHIWARI ET AL.

Examiner

Jane J Rhee

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 5-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election with traverse of Group I in Paper No. 9 is acknowledged.

The traversal is on the ground(s) that Groups I and II share the same special technical feature regarding the compression molding and backing a polytetrafluoroethylene powder. This is not found persuasive because the special technical feature Group II lacks is the melt viscosity and a block deformation amount contained within a polygonal region surrounded by a straight line A: $x=1.0 \times 10^9$ (melt viscosity of 1.0×10^9 poise), a straight line B: $x=2.5 \times 10^{10}$ (melt viscosity of 2.5×10^{10} poise), a straight line C1: $y=-7.0$ (block deformation amount of 7.0%), a straight line D1: $y=0$ (block deformation amount of 0%), and a straight line E1: $y=-8.7\log_{10}(x)+91$ in a graph with an x-axis being a common logarithm of the melt viscosity (poise) at 380°C of polytetrafluoroethylene and a y axis being the block deformation amount(%) which is a weight loss until a stable film or sheet can be cut from the molded article.

The requirement is still deemed proper and is therefore made FINAL.

2. Newly submitted claim 9 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 9 is directed to a method.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 9 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "can be" in claim 1 is a relative term which renders the claim indefinite.

The term "can be" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being unpatentable by Ebnesajjad et al. (5683639).

Ebnesajjad et al. discloses a polytetrafluoroethylene molded article having a melt viscosity of at least 1×10^9 poise (col. 1 line 53) at 380°C (col. 3 line 7-8) wherein the polytetrafluoroethylene molded article is obtained by compression molding and backing a polytetrafluoroethylene powder obtained by suspension polymerization (col. 1 lines 37-39 and 56-62). Since Ebnesajjad et al. discloses the same composition, polytetrafluoroethylene at the same melt viscosity and temperature using the same method, it is inherent that the polytetrafluoroethylene molded article has a block

Art Unit: 1772

deformation amount contained within a polygonal region surrounded by a straight line A: $x=1.0 \times 10^9$ (melt viscosity of 1.0×10^9 poise), a straight line B: $x=2.5 \times 10^{10}$ (melt viscosity of 2.5×10^{10} poise), a straight line C1: $y=7.0$ (block deformation amount of 7.0%), a straight line D1: $y=0$ (block deformation amount of 0%), and a straight line E1: $y=-8.7\log_{10}(x)+91$ in a graph with an x-axis being a common logarithm of the melt viscosity (poise) at 380°C of polytetrafluoroethylene and a y axis being the block deformation amount(%) which is a weight loss until a stable film or sheet can be cut from the molded article.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebnesajjad et al. (5683639).

Ebnesajjad et al. discloses the polytetrafluoroethylene molded article above. Ebnesajjad et al. discloses that the molded article is cylindrical (col. 2 line 44) with a height of 89mm (col. 8 line 34-35). Ebnesajjad et al. fail to disclose that the height is at least 800mm. It would have obvious to one of ordinary skill in the art at the time applicant's invention was made to have varied the height size of polytetrafluoroethylene molded article because discovering optimum or workable ranges involves only routine skill in the art in absence of unexpected results.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-301-9999 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee
June 21, 2002



HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

6/24/02